(1) Invalid transaction code

CASE NBR: [95107588] CFX STATUS: [PENDING CONFERENCE]
SHORT TITLE: [Shieh, Liang-Houh]
VERSUS [USCA Nine] DATE DOCKETED: [012596]
PAGE: [01]

	DATE	NOTE	PROCEEDINGS & ORDERS
1	Jan 23 1996	P	Petition for writ of certiorari and motion for leave to proceed in forma pauperis filed. (Response due February 24, 1996)
4	Jan 23 1996	D	Motion of petitioner for leave to proceed in forma pauperis filed.
3	Mar 7 1996		DISTRIBUTED. March 22, 1996 (Page 8)
6	Mar 25 1996		REDISTRIBUTED. March 29, 1996 (Page 14)
7	Apr 1 1996		Motion of petitioner for leave to proceed in forma pauperis DENIED. Dissenting opinion by Justice Stevens. Opinion per curiam.

Command:[95107589]

1 pp

EDITOR'S NOTE

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ORIGINAL

No. _____

(2)

~~95-~~7588

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1996

L. Shieh,

Petitioner,

vs.

United States Court of Appeals For the Ninth Circuit, Peter L. Shaw, Susan V. Gelmis, et al.,

Respondents.

95-80348

Supreme Court, U.S.
FILED
JAN 23 1996
OFFICE OF THE CLERK

RECEIVED
JAN 2[illegible] 1996
OFFICE OF THE CLERK
SUPREME COURT, U.S.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The petitioner, L. Shieh, asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed in forma pauperis. Petitioner has previously been granted leave to so proceed in L. Shieh v. David Ebershoff, et al, S 038440 by the Supreme Court of the State of California. Petitioner's affidavit/declaration in support of this motion is attached hereto.

76 PP (2)

Dated: January 22, 1996

Respectfully submitted,

Shieh Liang Houh

Shieh Liang-Houh

AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

I, L. Shieh, am the petitioner in the above-entitled case. In support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

I further swear that the responses I have made to the questions and instructions below relating to my ability to pay the cost of proceeding in this Court are true.

C 95-7588

1. Are you presently employed? Yes ___ No xx

a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer.

b. If the answer is no, state the date of your last employment and the amount of salary or wages per month which you received. 4/89; approximately $7,500.00 per month (gross income)

2. Have you received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other sources? Yes ___ No xx

a. If the answer is yes, describe each source of income and state the amount received from each during the past twelve months.

3. Do you own any cash or have a checking or savings account? Yes ___ No xx

a. If the answer is yes, state the total value of the items owned.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing) Yes ___ No xx

a. If the answer is yes, describe the property and state its approximate value.

5. List the persons who are dependent upon you for support and state your relationship to those persons.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on: January 22, 1996.

(Signature)

No. _____

95-7588

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1996

L. Shieh,

Petitioner,

vs.

United States Court of Appeals For the Ninth Circuit,
Peter L. Shaw, Susan V. Gelmis, et al.,

Respondents.

PETITIONER FOR WRIT OF CERTIORARI TO THE

UNITED STATES COURT OF APPEAL FOR THE NINTH CIRCUIT, THE

CALIFORNIA COURT OF APPEALS AND CALIFORNIA SUPERIOR COURT

PETITION FOR WRIT OF CERTIORARI

Law Offices of Shieh Liang-Houh
Attorneys for Petitioners
P. O. Box 84-453
Taipei, Taiwan
(011-886-2) 394-0530

95-80348

QUESTIONS PRESENTED

1. Whether the United States Court of Appeals For the Ninth Circuit violates petitioner's constitutional rights and rights guaranteed by the Treaty of Friendship, Commerce And Navigation Between the Republic of China and the United States of America by imposing a pre-filing order upon petitioner without serving a notice of the order to show cause upon petitioner in Taiwan and without an opportunity to be heard, which has given rise to the disagreement among the lower courts?

2. Whether the United States Court of Appeals For the Ninth Circuit has an original jurisdiction to issue an order to show cause for a pre-filing order preventing all new appeals after summary dismissal of all appeals and summary affirmation of all lower courts' decisions without notice and without an opportunity to be heard, which has given rise to the disagreement among the lower courts?

3. Whether the alleged service of the order to show cause shall comply with the provisions of the Hague Convention and/or the provisions of the Extension For Assistance To the Foreign Courts to make sure that petitioner in Taiwan has actually received the notice and has an adequate opportunity to respond, which has given rise to the disagreement among the lower courts?

4. Whether the United States Court of Appeals For the Ninth Circuit violates petitioner's right to neutral and detached judges by issuing an order to show cause and by summarily disposing all of petitioner's and his clients' appeals and writs when several motions for disqualification of all judges and clerks for their criminal indictment

and criminal prosecution for bribery, corruption, collusion, forgery, etc. were pending before them, which has given rise to the disagreement among the lower courts?

5. Whether a pre-filing order preventing petitioner from filing any appeal can be constitutionally applied to an experienced attorney who was forced to be in pro per because all of his lawyers (1) were extorted for $1 million bribery and ransom to be paid to the Caucasian judges and lawyers and (2) were prosecuted by the state bar disciplinary proceedings simply because they represented petitioner, which has given rise to the disagreement among the lower courts?

6. Whether the pre-filing order which was wilfully and maliciously, with criminal intents, issued to a non-Caucasian lawyer is constitutional in all aspects, which has given rise to the disagreement among the lower courts?

7. Whether the 14 days mandate that petitioner in Taiwan must respond to the order of the United States Court of Appeals For the Ninth Circuit within 14 days from the date of the order is constitutional and is a violation of the FCN Treaty when the 14 days mandate is an impossibility under the circumstances where the mail would take approximately 14 days to two months to reach Taiwan or would never reach Taiwan, which has given rise to the disagreement among the lower courts?

8. Whether the Ninth Cir. and all California state courts which absolutely, completely, permanently, unlimitedly and in fact unconditionally prohibited Petitioner and all of petitioners' past, current and future lawyers from filing any and all papers with the above courts is constitutional and is a violation of the provisions of the

Treaty of Friendship, Commerce And Navigation between the Republic of China and the United States of American and thus is also unconstitutional, which has given rise to the disagreements among the lower courts, among other issues: (1) 1st Cir., Sire v. Gabriel, 748 F.2d 49 (1st Circuit 1984) (holding that "We stress that where access to the courts is concerned, an injunction should be drawn as narrowly as possible"); (2) 3rd Circuit: Castro v. The United States of America 775 F.2d 399, (2nd Circuit 1985) (holding that "The court of appeals narrowly tailored the injunction to closely fit the specific vice encountered.") see also Brow v. Farrelly 994 F.2d. 1027, (3rd Circuit 1993)), Brow v. Farrelly 994 F.2d. 1027, (3rd Circuit 1993) (holding that "The broad scope of the District court's power is limited by two fundamental tenets of our legal system -- the litigant's right to due process and access to the courts"), In re Oliver 682 F.2d 443, (3rd Circuit 1982) (holding that imposing an injunction "is an extreme remedy, and should be used in exigent circumstances"), In re Oliver 682 F.2d 443, (3rd Circuit 1982) (holding that "Litigiousness alone will not support an injunction restricting litigant's filing activities"); (3). 2nd & 10th Circuits, Castro v. United States of America 775 F.2d 399, (2nd Circuit 1985) (holding that "If an injunction against future litigation issued under 28 U.S.C.A. 1651(a) were couched in overly broad terms, this impermissible infringes upon a litigator's right of access to the courts") see also Tripati v. Beaman 878 F.2d 351, (10th Circuit 1989)); (4). 4th & 11th Circuits, Robinson v. Marion 879 F.2d 863, (4th Circuit 1989) (holding that "A court imposing such an injunction must be careful not to order conditions that effectively deny access to the

courts", see also Procup v.Strickland 792 F.2d 1069 (11th Circuit 1986)); (5). D.C. Circuit, Urban v. United Nations 768 F.2d 1497, 1500 (D.C. Circuit 1985) (holding that "A court must take great care not to unduly impair a litigant's constitutional right of access to the courts"); (6) 5th Cir., Harrelson v. the United States, 613 F.2d 114 (5th Circuit 1980) (holding that "Orders enjoining future lawsuits are generally unnecessary because the doctrine of res judicata or collateral estoppel usually suffice to protect defendants from repetitious lawsuits"); and (6) 2d Cir., N.Y. Chinese TV Programs v. U.E. Enterprises, 954 F.2d 847, 852 (holding that "the FCN treaty remains a valid and enforceable treaty" between the Republic of China and the United States of America)?

9. Whether petitioner's and all of his lawyers' right to neutral and detached judges under the U.S. Constitution and the Treaty Between the ROC and USA is violated, where both federal and state judges have used courts as instrumentalities for bribery, corruption, collusion, forgery, burglary and perjury and for the extortion against petitioner and his lawyers for $1 million, where the federal judges David Kenyon, Beezer, Thompson and T.G. Nelson, et al used their courts to cover up their bribery, corruption and collusion, where they were indicted and prosecuted and where they were disqualified, which has given rise to the disagreements of the lower courts and this court: (1) FCN Treaty: "The nationals, corporations and associations of either High Contracting Party ... shall be permitted to exercise all these rights and privileges, ... on terms no less favorable than the terms which are

or may hereafter be accorded to the nationals, corporations and associations of such other High Contracting Party and no less favorable than are or may hereafter be accorded to the nationals, corporations and associations of any third country"; (2) USSC, Concrete Pipe & Const. Laborers Pen. Tr., 113 S. Ct 2264, 2277 (1993) ("due process requires a 'neutral and detached judge in the first instance' ... one is entitled as a matter of due process of law to an adjudicator who is not in a situation 'which would offer a possible temptation to the average man as a judge ... which might lead him not to hold the balance nice, clear and true"; and (3) other cases.

ALL PARTIES TO THE PROCEEDING

PETITIONER:

L. Shieh is a non-Caucasian and is an experienced lawyer since 1972.

RESPONDENTS:

The United States Court of Appeal for the Ninth Circuit is a federal court used by the crime family as an instrumentality for bribery, corruption, collusion and other criminal and judicial misconduct.

Peter L. Shaw is a Caucasian Commissioner, working as an instrumentality for the crime family.

Susan V. Gelmis is a Caucasian motion attorney/deputy clerk, working as an instrumentality for the crime family.

All are alleged by HKST.

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1996

L. Shieh,

Petitioner,

vs.

United States Court of Appeals For the Ninth Circuit,

Peter L. Shaw, Susan V. Gelmis, et al.,

Respondents.

95-80348

PETITIONER FOR WRIT OF CERTIORARI TO THE

UNITED STATES COURT OF APPEAL FOR THE NINTH CIRCUIT,

CALIFORNIA COURT OF APPEAL AND CALIFORNIA SUPERIOR COURT

To the Honorable William Rehnquist the Chief Justice and Associate Justices of the Supreme Court of the United States:

Petitioners Highberger, Kakita, Spencer & Turner MAF Ct., and L. Shieh, respectfully pray that a writ of certiorari issue to review the judgments and opinions of the United States Court of Appeals for the Ninth Circuit, the United States District Court for the Central District of California, the California Court of Appeals and the California Superior Court

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OPINION BELOW

1. The decision of the Court of Appeal for the Ninth Circuit, dated December 13, 1995 is attached in Petitioners' Appendix A[1].

2. The decision of the 9th Cir., dated December 9, 1994, is attached in Petitioners' Appendix C.

3. The published opinion of the California Court of Appeals, dated August 12, 1993 is published at 17 C.A. 4th 1154, 21 C.R. 2d 886 (1993).

4. The published opinion of the California Court of Appeals, dated December 16, 1993 is published at 20 C.A. 4th 1759, 25 C.R. 2d 703 (1993).

5. The published opinion of the California Court of Appeals, dated January 31, 1994 is published at 22 C.A. 4th 88, 27 CR 270 (1994).

JURISDICTION

The U.S. Court of Appeals' opinion in this matter was filed on December 13, 1995. Appendix A. This Court's jurisdiction is invoked under Title 28, U.S.C. §§1254 (1) and 2403 (a), and under the Rules of the Supreme Court of the United States ("USSC"), Rules 10.1 (a) (b) and (c), and 29.4 (b), et al.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

---

[1] The 9th Cir. has so far refused to serve its order to show cause, dated October 27, 1995 upon petitioner. Thus, it cannot be attached as Appendix here.

Amendments I, VI, and XIV to, and Article VI, Section II of, the United States Constitution, as well as the Article VI, Section 4 of the Treaty of Friendship, Commerce And Navigation Between the Republic of China and the United States of America are set forth below:

1. First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievance."

2. Sixth Amendment: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

3. Fourteenth Amendment: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privilege or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law;

nor deny to any person within its jurisdiction the equal protection of the laws."

4. Article VI, Section 2: "all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

5. Article VI, Section 4 of the Treaty of Friendship, Commerce And Navigation Between the Republic of China and the United States of America: "The nationals, corporations and associations of either High Contracting Party shall enjoy freedom of access to the courts of justice and to administrative tribunals and agencies in the territories of the other High Contracting Party, in all degrees of jurisdiction established by law, both in pursuit and in defense of their rights; shall be at liberty to choose and employ lawyers, interpreters and representatives in the prosecution and defense of their rights before such courts, tribunals and agencies; and shall be permitted to exercise all these rights and privileges, in conformity with the applicable laws and regulations, if any, which are or may hereafter be enforced by the duly constituted authorities, on terms no less favorable than the terms which are or may hereafter be accorded to the nationals, corporations and associations of such other High Contracting Party and no less favorable than are or may hereafter be accorded to the nationals, corporations and associations of any third country. Moreover, corporations and

associations of either High Contracting Party shall be permitted to exercise the rights and privileges accorded by the preceding sentence upon the filing, at any time prior to appearance before such courts, tribunals or agencies, of reasonable particulars required by the laws and regulations of such other High Contracting party without any requirement of registration or domestication."

6. 9th Cir. R. 3-6: "At any time prior to the completion of briefing in a civil appeal if the court determines:
... (b) that it is manifest that the questions on which the decision in the appeal depends are so insubstantial as not to justify further proceedings the court may, after affording the parties an opportunity to show cause, issue an appropriate dispositive order."

7. California Code of Civil Procedure §1013 (a): "...the service is complete at the time of the deposit, but any prescribed period of notice and any right or duty to do any act or make any response within any prescribed period or on a date certain after the service of the document served by mail shall ve extended five days if the place of address is within the State of California, 10 days if the place of address is outside the State of California but within the United States."

STATEMENT OF CASE

I. BEFORE THE CAUCASIAN JUDGES, PETITIONERS AND THEIR LAWYERS ARE LIKE "A JEW IN THE NAZI GERMANY"

A. FEDERAL JUDGES

1. On or about January 16, 1996, Taipei time, petitioner received a copy of the pre-filing order preventing petitioner from filing any and all appeals, dated December 13, 1995, after 34 days of the alleged mailing. Appendix A.

2. This surprise has made petitioner to call the 9th Cir. on January 17, 1996, at approximately 2:00a.m., early morning, which was approximately 10:00a.m. on January 16, 1995 San Francisco time. The clerk, Mr. Wayne Price had agreed to fax a copy of the October 27, 1995 order to show cause ("OSC") to petitioner, which petitioner has <u>never</u> received. Because petitioner had not received the OSC, he faxed the enclosed letter to Mr. Price. Appendix B. The fax confirmation evidenced that Mr. Price had received such letter. As of the date of filing this petition for certiorari, on January 22 1996, petitioner has not received a copy of the order to show cause.

3. Since in or about 1994, the clerks and judges of the 9th Circuit had conspired with the defendants in various cases where the petitioner or his clients are plaintiffs. As evidenced by the facts stated in various motions for disqualification, and as alleged by the Highberger, Kakita, Spencer & Turner MAF Corp. ("HKST"), the clerks and judges of the 9th Cir. committed bribery, corruption collusion, forgery, etc. by dismissing petitioner's and his clients' appeals without notice and hearing and by summarily affirming all lower courts decisions without notice and hearing. Appendix D. Furthermore, the same corrupted judges prohibited, permanently, unconditionally, unlimitedly, petitioner and his clients from filing any "[m]otions for reconsideration,

rehearing or clarification." Appendix C. The same languages appear in each and all orders on each and every appeals, including but not limited to the following appeals (the petitions for certiorari were now pending before this court): 94-55649, 95-55563, 95-55566, 95-55683, 95-55723, 95-55788, and 95-55790, etc.

4. Most of the 9th Cir. and the lower courts orders were never received. Many of them were sent to the People's Republic of China, because the courts did not write the addresses in Chinese. Some of the orders, such as the December 13, 1995 order was received on or about January 16, 1996, 34 days after the alleged mailing (perhaps caused by Christmas and New Year holidays). The Oct. 27, 1995 order issued by Peter Shaw was never received. Appendix B. The clerks and judges intentionally and wilfully refused to mail the orders to petitioners and refused to file the papers presented by petitioner and his clients. See Motions for disqualification on the above case nos.

5. 1). Petitioner passed the bar examination in Taiwan in 1972 as a first year college student. The bar examination had only approximately 1% annual passing rate, which is reputed as one of the most difficult bar examinations in the world. Petitioner has a very high winning rate in all cases which he represented.

2). In the U.S., petitioner broke the American legal history and received Juris Doctor (J.D.), Master of Law (LL.M.) and Doctor of the Science of Law (J.S.D.) degrees from Yale Law School in less than four years. He graduated first in the LL.M. program, completed his J.S.D. dissertation in less than one year (the record at Yale), and was elected as an editor of the Yale Law Journal. He passed the New York

bar in 1982 while he was a student at Yale. He was subsequently admitted to practice laws in many federal courts and in Washington, D. C., States of Oregon and California. He was admitted to practice law before this court in 1987. He is not a new attorney. His winning rate for most of his clients are near 100%. See Percy Chien's affidavit.

3). None of petitioner's cases has any problem. Rather, the judges in California (both federal and state judges) are discriminatory, corruptive and retaliatory. In addition, the quality of the judges of the 9th cir. and USDC for the Central district of California is worse than that of the average clerks in Taiwan. The real problems are the moral and legal quality of the judges in the U.S.

B. CALIFORNIA JUDGES

1. Petitioners and their lawyers in both federal and state courts in California are "like a Jew in the Nazi Germany,[2]" said Richard R. Hopkins, a Caucasian lawyer. See Transcript of Proceeding in Highberger, Kakita, Spencer & Turner MAF Corp., et al v. Highberger, et al, BC 059833 ("Chris" case), and Highberger, Kakita, Spencer & Turner MAF Corp., et al v. Castellano, et al, BC 054981 ("Cast" case), in 1994.

2. MR. HOPKINS: "I've been in practice for 19 years and I have never, never been treated the way I'm being treated in this case... every motion or every opposition made by Gibson & Dunn is the gospel truth and everything that I say is not." ID.

3. "As I stated the judges in the Los Angeles and Orange County areas are biased and discriminatory against Dr. Shieh. Their

[2] A copy of all statements and quotations herein are attached in the trial courts' exhibits.

wilful deprivation of Dr. Shieh's constitutional and federal rights were/are on the grounds of Dr. Shieh's race, color, national origin and religion." Petitioners' Caucasian lawyer's declaration, dated May 13, 1995, ¶10.

4. Almost all, if not all, Los Angeles and Orange state judges, and policemen, as well as certain federal judges in California are "controlled solely by" Gibson, Dunn & Cructure ("GDC") and O'Melvey & Myers ("OMM").

II. AT LEAST THREE CALIFORNIA JUDGES ADMITTED THAT THEY ARE MERELY PUPPETS OF THEIR BOSSES

1. Honorable Phillip E. Cox admitted: "This is an unusual case where they've extended it [vexatious litigant statute] to them when he has an attorney representing him. As I tell you, they're my bosses, and I can't overrule the[m]." See TP in Highberger, Kakita, Spencer & Turner MAF Corp, et al v. David, et al in Orange County Superior Court ("SC"), case no. 70 64 39.

2. Kaufman conspired with Highberger, et al to kidnap Petitioner in the Chinese New Year for seven days and to extort over $300,000.00 in February, 1994. Kaufman admitted that he was acting as a collection agency and is a real party in interest in his purported proceeding. See TP February 10, 14, 15, 16 and 17, 1994. However, in his last day of his court, Kaufman finally admitted that the California Vexatious Litigant statute, CCP §§391 et seq., "was for pro pers, and since the man [Petitioner] wasn't in pro per it did seem odd to me that motion was ever granted", "obviously my mind does question things, but

things that happen, things that happen, I can't change them, so I'll let it go." Vol. 4 Request For Judicial Notice ("RJN") at 672-673 filed in Say & Say, et al v. Kakita, et al.

3. KAUFMAN ADMITTED THAT:

1). "I'm not about to open a gate that has been defiantly -- or not defiantly, but absolutely closed to him by trial courts and the Court of Appeal. So he's been foreclosed out." Transcript of proceeding in Highberger, Kakita, Specner & Turner MAF Ct., et al v. Castellano, et al, BC 054981 ("Cast" case) and Highberger, Kakita, Specner & Turner MAF Ct., et al v. Highberger, et al, BC 059833 ("Chris" case) ("TP"), 2/10/94.

2). "... no, you're [plaintiffs' attorneys are] not in the position to give notice because you can't file anything." TP 2/10/94, at 23, lines 1-3.

3). "The present order with respect to the plaintiff or his attorneys being unable to file any documents." TP, 2/14/94, at 2, line 18-20. See RJN, no. 36, 1).

4). "he was not to file any new documents." (TP, 3/31/94, at 16, line 25-26).

5). "he is not authorized to file anything." (TP, 3/31/94, at 35, line 18-21).

4. In more than ten decisions, the corrupted and colluded judges of 9th Cir. always used the following languages in each and every decisions of petitioner's and petitioner's clients' cases (even if

petitioner's clients are represented by lawyers): "No motion for reconsideration, rehearing, clarification, stay of the mandate, or any other submissions shall be filed or entertained" without payment to the judges of the 9th Cir. and the California courts. Appendix C.

III. THE HISTORY OF BRIBERY, CORRUPTION, COLLUSION, PERJURY, FORGERY OF THE CALIFORNIA JUDGES AND FEDERAL JUDGES IN CALIFORNIA

A. CALIFORNIA JUDGES

1. Before, on and after August 12, 1993, judges Spencer, et al and their conspirators extorted petitioner to pay them bribes for at least $260,000.00. Appendix D.

2. Before, on and after January 31, 1994, judges Spencer and their conspirators extorted petitioner to pay them additional bribes for $154,000.00. Appendix D.

3. Pursuant to the criminal conspiracy between judges Armstrong, Turner, and et al in December, 1994[3], they conspired with Kaufman and Highberger to kidnapped Petitioner for seven days from February 10, 1994 (Chinese New Year) through February 16, 1994. All of them extorted over $300,000.00 and robbed petitioner in the same period of time. Appendix D.

4. In April, 1994, the Crime Family attempted to kidnapped

[3] On or about December 8, 1993, judge Armstrong or another judge in the same division publicly spoke that he would kidnap petitioner for ransoms and bribes. Kaufman and Highberger then carried out his conspiracy scheme. HKST.

petitioner and all of his family members. The Crime Family admitted in their declaration that they had forcibly broken the house of petitioner and entered into the house for at least twice. Many files, documents and valuable items were stolen. Appendix D.

5. In or about early May 1994, the Crime Family extorted $500,000.00 from petitioner. Appendix D.

6. In or about May, 1994, Patricia L. Grisinger of the State Bar of California extorted petitioner to pay $1 million to the Crime Family, saying that she was acting on behalf of the Crime Family, otherwise she would put petitioner in an "inactive enrollment." She also delivered the "inactive enrollment form" to petitioner's house for petitioner's signature. Appendix D.

7. In or about October, 1994, Cydney Tabor Batchelor and Donald Robert Steedman of the State Bar of California further extorted $1 million from petitioner. They specifically admitted that they were acting on behalf of David Eisen, William F. Highberger and other members of the Crime Family. Appendix D.

8. In November, 1994, William F. Highberger, Andrew Castellano and Barry Russell admitted that they had conspired with Cydney Tabor Batchelor and Donald Robert Steedman of the State Bar of California to secretly put petitioner in an involuntary inactive enrollment and to secretly enter default against petitioner without legally serving any

application or complaint upon petitioner. See Say & Say, et al. v. Barry Russell, et al., before US Bankcruptcy Court for the Central District of California.

9. In or about November 1994, the Offices of Prosecutors commenced the criminal investigation against all members of the Crime Family. On or about August 2, 1995, William F. Highberger, C. Bernard Kaufman, V. Spencer, Andrew Castellano and others were indicted for kidnaping for ransoms, extortion, forgery, et al. Appendix D. They are facing sentencing now. Other members of the Crime Family are prosecuted.

10. Petitioner is a member of bars in many states, in federal courts and in Taiwan for over 20 years in good standing. He has never committed any crime. Nor is there any criminal charge pending against him. In his over 20 years law practice, no client has ever complained against him for any kind of professional misconduct.

11. Since in or about 1993, the judges, who are also prosecuted for their crimes, summarily affirmed all decisions of the USDC and summarily dismissed all other pending appeals without reviewing the OB and ER pursuant to their criminal corruption and collusion scheme.[4]

[4] The appeals include 95-55790 (Ebershoff case) and 95-55723. Accordingly, three petitions for certiorari are filed with this court on January 8, 1996 at the same time.

12. The warrants for their arrest will be issued if they failed to appear for the sentencing and the prosecution. Criminal supplemental civil complaints and independent civil complaints for declaratory and inductive relief as well as for damages were also filed against respondent and members of the Crime Family.

B. FEDERAL JUDGES

The federal judges are to cover up all of the crimes and judicial misconduct, professional misconduct of the Caucasian judges and lawyers family.

REASONS FOR GRANTING THE WRIT

Certiorari should be granted.

This Petition presents the issues of the first impression (1) whether the 9th Cir. can issue an order to show cause without notice and opportunity to be heard, and without original jurisdiction, and (2) whether all California courts and the federal courts in California can completely, permanently and completely depriving petitioner and his lawyers all of their constitutional rights, which clearly violate the US Constitution and the FCN Treaty, and which is in the conflict with all decisions of all circuits.

This Petition also presents issues for this court to clarify whether Commissioner Shaw, Clerk Gelmis, Judges Robert R. Beezer, David

R. Thompson and Thomas G. Nelson of the Ninth Circuit, who and their conspirators are indicted and prosecuted for felonies for the conspiracy to commit corruption, collusion, forgery, illegal competition and violation of anti-trust law, among other crimes, (1) have "so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, so as call for an exercise of this Court's supervisory power," and (2) have "decided an important federal question in a way that conflict with relevant decisions of this Court" where they refused to disqualify themselves, covered up their and their conspirators' crimes, continued to be "in league with those who were bent upon abrogation of federally protected right," and summarily affirmed all lower court's decisions, which dismissed Petitioner's $300 million case, without reviewing the opening brief and reply brief on the merits (in furtherance of their criminal conspiracy), and such criminal and judicial misconduct are specifically prohibited by the holdings of Pulliam v. Allen, 466 U.S. 522, 539, 104 S. Ct 1970, 1979 (1984), and Mitchum v. Foster, 407 U.S. 225, 240, 92 S. Ct. 2151, 2161 (1972) (holdings that judges are not allowed to be "in league with those who were bent upon abrogation of federally protected rights.")

I. THE 9TH CIR. VIOLATES DUE PROCESS BY REFUSING TO SERVE THE ORDER TO SHOW CAUSE UPON PETITIONER IN TAIWAN

Both the U.S. constitution and the Treaty of Friendship, Commerce And Navigation Between the Republic of China and the United States of America ("FCN Treaty") mandate the service of the order to show cause upon petitioner in Taiwan. Such service assures adequate

notice and opportunity to be heard for due process purpose. Mullane v. Central Hanover Bank & Trust Co. (1950) 339 US 306, 314; Mennonite Board of Missions v. Adams (1983) 462 US 791.

The refusal of service on October 27, 1995 and the subsequent refusal of service since January 16, 1996 San Francisco time are evidence that there was no intent of service. The December 13, 1995 order is void for lack of service.

II. THE 9TH CIR. HAS NO ORIGINAL JURISDICTION TO ISSUE ORDER TO SHOW CAUSE TO PREVENT PETITIONER FROM FILING ANY AND ALL APPEALS

The 9th Cir. is a reviewing court. It has no original jurisdiction to issue the OSC. Agricultural Labor v. Tex-Cal (1987) 43 C. 3d 696, 739 P. 2d 140, 238 C.R. 780. Sunray v. Federal Power (1957) 353 U.S. 944, 77 S. Ct. 792)). "[I]n the 'clear absence of all jurisdiction." Mark HEIMBACH, v. VILLAGE OF LYONS (WAYNE COUNTY, NEW YORK), 597 F.2d 346 (2nd Cir. 1979).

III. THE 9TH CIR. FAILED TO COMPLY WITH THE PROVISIONS OF THE HAGUE CONVENTION AND THE LAW IN TAIWAN TO SERVE OSC UPON PETITIONER

A. ATLANTIC CASE

In Atlantic Mutual Insurance Company, et al v. Northwest Airlines, Inc. 796 F. Supp. 1188 (E.D. Wis. 1992), the court held that "Taiwan was part of the People's Republic of China [PRC] and thus was a

party to" the Hague Convention.

"A convention enjoys the status of a treaty. (See American Trust Company v. Smyth (1957) 247 F. 2d. 149; Garcia v. Pan American Airways (1946) 295 N. Y. 852, 67 N. E.2d 257; cert. den. 329 U.S. 741, 67 S. Ct 79, 91 L. ED. 640." Dr. Ing. H.C.F. Porsche v. Superior Court, 177 C. R. 155, 156, fn. 1 (3d. Dist., 1981). "Noncompliance with the service of process requirements of the Hague Convention" voids the service and the order dismissing the cases. Id. That is another ground for a motion for relief or motion for reconsideration.

"By virtual of the Supremacy Clause, U.S. Const., Art. VI, the Convention preempts inconsistent methods of service prescribed by state law in all cases to which it applies." Volkswagenwerk Aktiengesellschaft v. Schlunk (1988) 486 US 694, 108 S. Ct. 2104. "The Hague Convention provisions are mandatory, so that failure to comply voids the attempt service." Id, 486 U.S. at 698, 108 S.Ct. 2108.

Failure to comply with the Hague Convention ("HC") procedures void the service, even though it was made in compliance with California law, and even though the Petitioner[5] has actual notice of the lawsuit. Dr. Ing. H.C.F. Porsche, A.G. v. Sup. Ct (1981) 123 CA3d 755, 177 CR 155.

In this case, there is absolutely no doubt that 9th Cir. failed to translate the OSC into Chinese languages and transmit through

[5] In this case, petitioner has no actual notice.

the diplomatic channel as required by the HC. Under both California and federal cases, the alleged service, if any, is void.

The Bureau of the International Judicial Assistance ("BIJA") of the Ministry of Justice of the PRC determined that the services must be done through the BIJA as the Central Authority, and that it would comply with the Hague Convention to effect such services upon peoples and entities in Taiwan.

B. N.Y. CHINESE TV PROGRAM CASE

In New York Chinese TV Programs, Inc. v. U.E. Enterprises, Inc., 954 F. 2d 847 (2d Cir., 1992), the court recognized that the Treaty of Friendship, Commerce And Navigation Between the Republic of China and the United States of America ("FCN Treaty"), is still valid and binding upon the United States of America ("USA").

The FCN Treaty, as a Supremacy Law of Land, mandates the USA to let the nationals[6] of the ROC not to "receive treatment with respect to such rights and privileges less favorable than the treatment which is or may hereafter be accorded to the nationals of any third party." Article II, Section 3.

Article VI, Section 4, and Article VII of the FCN Treaty

[6] The term "nationals" include the corporations. FCN Treaty, Article VI. Section 1.

clearly state that SAD "shall enjoy freedom of access to the court of justice" and shall be treated by the USA as the best without "discriminatory treatment." Id., Article XV. The FCN Treaty expressly state that SAD shall enjoy the provisions and protection of the HC, because all members of the HC receive such protection, SAD shall not receive "rights and privileges less favorable than the treatment which is or may hereafter be accorded to the nationals of any third party." The same languages repeated all over the Treaty. See e.g., Article II, Section 3. Applying the FCN Treaty is the same as applying the HC because the FCN Treaty mandates the same result. SAD must be treated no less favorable than any third party, which is a member of the HC. Thus, FCN Treaty mandates the result of application of the HC.

C. THE GUIDELINES OF THE STATE DEPARTMENT

The State Department announced the Guidelines of the State Department, which requires that all services must comply with the "Law Governing the Extension of Assistance to the Foreign Court" ("Extension"), which is in the essence the same as those in the HC. There is a Central Authority ("CA") in Taiwan, as well, to accept and effect the service of summons and complaint and the service of discovery.

No doubt, again, 9TH Cir. failed to comply with the Extension.

IV. PRE-FILING ORDER IS NOT APPLICABLE TO A LICENSED LAWYER

The purpose of the pre-filing order is to prevent an appellant who is a layman and who is not a lawyer. Petitioner is a very successful lawyer in both Taiwan and U.S. He has been licensed to practice law in the U.S. for 13 years, and in Taiwan for 23 years.

Despite of the above facts, petitioner has been always represented by lawyers. However, all petitioner's lawyers were/are extorted to pay judges and lawyers $1 million bribes and ransoms and not to represent petitioner. See e.g., In Re Shieh (1993) 17 C.A. 4th 1154, Say & Say v. Ebershoff, et al (1993) 22 C.A. 4th 1759; Say & Say, et al v. Castellano, et al, BC 59833 and Shieh, et al v. Christopher, et al BC 054981 concerning the robbery, and extortion by judges and lawyers. See also the admission of Kaufman above and in all transcripts in both cases. See also State Bar Court of California's file nos. 93-0-12380; 93-0-16428,et al concerning the disciplinary proceedings against petitioner's lawyers, which were provided to this court in other petitions. In short, all petitioner's lawyers were jailed, sanctioned and disciplined for several months suspension and others.

As a result, no lawyer dares to publicly represent petitioner. Those lawyers prepared the pleadings for petitioner to file without revealing their names in the pleadings.

Under the circumstances that the federal and state judges are now indicted and prosecuted, that they were also sued for civil liability, and that no lawyers dare to publicly represent petitioner in the U.S., and that petitioner himself is a licensed lawyer, the pre-filing order is unconstitutional.

V. THE 9TH CIR.'S ORDER IS UNCONSTITUTIONAL IN ALL ASPECTS

A. IRREBUTTABLE PRESUMPTION OF GUILTY

Whether or not an appeal is frivolous cannot be determined until after the 9th Cir. reviews the opening brief. The notice of appeal is a very simply document, which contains no issue, no argument and no authority. A determination of the notice of appeal to be valid or not is irrebuttable presumption of guilty, as did by all California corruptive judges since all of them have automatically dismissed all the appeals and writs for many years. See the above three published decisions issued by the California Court of Appeals.

B. VIOLATION OF EQUAL PROTECTION

In the 9th cir.'s history and in the California history, no lawyer has ever been prevented from filing notice of appeal. These corruptive judges made this because of petitioners' race, color, national origin and religion.

C. RIGHT TO ACCESS TO THE COURT

The pre-filing order violates petitioner's right to access to the court. See cases infra.

VI. THE 14 DAYS MANDATE FOR RESPONSE IS UNCONSTITUTIONAL

As stated above, most mail reach Taiwan after two weeks. Many mail was sent to a different country. The OSC and many orders

allegedly sent by the 9th Cir. were never received. The order of December 13, 1995 was received 34 days thereafter. The most effective method of the next day delivery from the U.S. to Taiwan often takes three to five working days. Because of the time difference, the next day delivery, actually, takes at least 48 hours, from Taiwan to the U.S. If the 9th Cir. serves petitioner by next day delivery and the petitioner also respond by the next day delivery, the round trip will take at least 7 days. It leaves only 7 days to respond.

No time for service was ever added by the 9th Cir. The 9th Cir. has never sent anything to petitioner by next day delivery.

The California Code of Civil Procedure §1013 (a) requires 20 days additional time be added to the service outside the country. However, the corruptive judges of 9th Cir. ordered that no additional time will be added to the service upon residents in Taiwan. Appendix C.

The 14 days mandate is absolutely impossible and is unconstitutional. There was no time for service. The total time is less than California's 20 days additional time.

VII. THE COMPLETE, PERMANENT AND UNLIMITED PROHIBITION OF PETITIONERS AND THEIR LAWYERS FROM FILING ANY THINGS CONFLICT WITH THE DECISIONS OF ALL CIRCUITS, VIOLATES THE CONSTITUTION AND TREATY

A. CONFLICT WITH ALL DECISIONS OF ALL CIRCUITS

(1) 1st Cir., Sire v. Gabriel, 748 F.2d 49 (1st

Circuit 1984) (holding that "We stress that where access to the courts is concerned, an injunction should be drawn as narrowly as possible").

(2) 3rd Circuit: Castro v. The United States of America 775 F.2d 399, (2nd Circuit 1985) (holding that "The court of appeals narrowly tailored the injunction to closely fit the specific vice encountered.") see also Brow v. Farrelly 994 F.2d. 1027, (3rd Circuit 1993)), Brow v. Farrelly 994 F.2d. 1027, (3rd Circuit 1993) (holding that "The broad scope of the District court's power is limited by two fundamental tenets of our legal system -- the litigant's right to due process and access to the courts"), In re Oliver 682 F.2d 443, (3rd Circuit 1982) (holding that imposing an injunction "is an extreme remedy, and should be used in exigent circumstances"), In re Oliver 682 F.2d 443, (3rd Circuit 1982) (holding that "Litigiousness alone will not support an injunction restricting litigant's filing activities").

(3). 2nd & 10th Circuit, Castro v. United States of America 775 F.2d 399, (2nd Circuit 1985) (holding that "If an injunction against future litigation issued under 28 U.S.C.A. 1651(a) were couched in overly broad terms, this impermissible infringes upon a litigator's right of access to the courts") see also Tripati v. Beaman 878 F.2d 351, (10th Circuit 1989)).

(4). 4th & 11th Circuit, Robinson v. Marion 879 F.2d 863, (4th Circuit 1989) (holding that "A court imposing such an injunction must be careful not to order conditions that effectively deny

access to the courts", see also Procup v.Strickland 792 F.2d 1069 (11th Circuit 1986)).

(5). D.C. Circuit, Urban v. United Nations 768 F.2d 1497, 1500 (D.C. Circuit 1985) (holding that "A court must take great care not to unduly impair a litigant's constitutional right of access to the courts").

(6) 5th Cir., Harrelson v. the United States, 613 F.2d 114 (5th Circuit 1980) (holding that "Orders enjoining future lawsuits are generally unnecessary because the doctrine of res judicata or collateral estoppel usually suffice to protect defendants from repetitious lawsuits").

However, the 9th Cir., and the California courts, in practice, have absolutely, permanently, completely and unconditionally prohibit petitioner and all of his past, current and future lawyers from filing anything. The 9th Cir., and the California Courts have never given petitioners and their lawyers any fair trial. All papers were prohibited from filing, and were returned.

THIS COURT SHOULD UNIFY the above conflicting decisions.

B. VIOLATION OF THE U.S. CONSTITUTION

The judges of all California courts and all federal courts in

California violated petitioner's and his lawyers' following rights:

1. First Amendment Right

"The right of petition is one of the freedoms protected by the Bill of Rights, and we cannot, of course,, lightly impute to Congress an intent to invade these freedoms." *Id.*, at 138." CALIFORNIA MOTOR TRANSPORT CO. v. TRUCKING UNLIMITED, 510 (1972)[7].

2. Right To Counsel[8]

"We agree and hold that a restriction on a defendant's right to consult with his attorney during a brief routine recess is constitutionally impermissible." UNITED STATES v. ALLEN, 542 F,2d 634 (1976)[9].

3. Right To Access To The Court[10]

"The fundamental constitutional right of access to the courts *held* to require prison authorities to assist inmates in the preparation and filing of meaningful legal papers by providing prisoners with adequate law libraries or adequate assistance from persons trained in the law." BOUNDS, CORRECTION COMMISSIONER, ET AL. v. SMITH ET AL, 817 (1977[11]).

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[7] "We conclude that it would be destructive of rights of association and of petition to hold that groups with common interests may not, without violating the anti-trust laws, use the channels and procedures of state and federal agencies and courts to advocate their causes and points of view respecting resolution of their business and economic interests *vis-a-vis* their competitors." CALIFORNIA MOTOR TRANSPORT CO. v. TRUCKING UNLIMITED, 510-511 (1972).

"Petitioners, of course, have the right of access to the agencies and courts to be heard on applications sought by competitive highway carriers. That right, as indicated, is part of the right of petition protected by the First Amendment." CALIFORNIA MOTOR TRANSPORT CO. v. TRUCKING UNLIMITED, 513 (1972).

[8] With regard to right to counsel, see Fuentes v. Shevin (1972) 407 U.S. 67, 80, 92 S.Ct. 1983, 1984, 32 L.Ed.2d 556, 569-570; United States v. Ambrey DeWitt Allen (1976, United States Court of Appeals, Fourth Circuit) 542 F.2d 630; Madison Anderson v. Walter Sheppard, et al., (1988) 856 F.2d 741; Gladys Boddie et al. v. State of Connecticut et al., (1971) 401 U.S. 371, 91 S.Ct. 780; Powell v. Alabama, (1932) 287 U.S. 45, 53; 53 S.Ct. 55; 77 L.Ed. 158.

[9] "It is so fundamental that there should never occur any interference with it for any length of time, however brief, absent some compelling reason." UNITED STATES v. ALLEN, 542 F,2d 633 (1976).

[10] With respect to the deprivation of the right to access the Court, See Los Angeles County Bar Association v. Secretary of the State of California, et al., (9th Cir. 1992) 979 F. 2D 697, 705; Bounds v. Smith 430 U.S. 817, 821, 97 S.Ct. 1491, 1494, 52 L.Ed.2d. 72 (1977); California Motor Transp. v. Trucking Unlimited, 404 U.S. 508, 510, 92 S.Ct. 609, 611, 30 L.Ed.2d 642, (1972); Wolff, 418 U.S. at 579, 94 S.Ct. at 2986; Payne v. Superior Court (1976) 17 Cal.3d 908, 132 Cal. Rptr. 405; Aurelio Fregoso Jara v. Municipal Court of San Antonio Judicial District (1977) 137 Cal. 533, 68 Cal. App.3d 673.

[11] "A combination of entrepreneurs to harass and deter their competitors from having "free and unlimited access" to the agencies and courts, to defeat that right by massive, concerted, and purposeful activities of the group are ways of building up on e empire and destroying another." CALIFORNIA MOTOR TRANSPORT CO. v. TRUCKING UNLIMITED, 515 (1972).

"We have no doubt that plaintiffs, even though they are inmates, have some first and fourteenth amendment rights to air their grievances and to have access to judicial procedures to redress them." TIMMERMAN v. BROWN Foard, 528 F.2d *815 (4th Cir. 1975).

"(1) that any carrier has the right of access to agencies and courts, within the limits, of course, of their prescribed procedures, in order to defeat applications of its competitors for certificates as highway carriers; and (2) that its purpose to eliminate an applicant as a competitor by denying him free and meaningful access to the agencies and courts may be implicit in

4. Right To Neutral and Detached Judges[12]

"Because of the e fundamental need for judicial neutrality, we hold that the harmless error doctrine is inapplicable in cases where judicial bias and/or hostility is found to have been exhibited at any stage of a judicial proceeding." ANDERSON v. SHEPPARD, 856 F.2d 746 (1988)

"When a trial judge exhibits the open hostility and bias at the beginning of a judicial proceeding as was exhibited here, it follows that the judgment entered therein must be reversed." ANDERSON v. SHEPPARD, 856 F.2d 747 (1988)

The motions for disqualification were filed against judges many times on the different grounds. They were disregarded without any reason. Further these judges retaliate against Petitioner, despite the fact that they were indicted and prosecuted.

Section 455 provides broader grounds but does not specify the procedure for disqualification and is self-enforcing on the part of

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that opposition." CALIFORNIA MOTOR TRANSPORT CO. v. TRUCKING UNLIMITED, 515 (1972).

"Due process of law prohibits a State from denying, solely because of inability to pay court fees and costs, access to its courts to indigents who, in good faith, seek judicial dissolution of their marriage." BODDIE v. CONNECTICUT, 371 (1971)

[12] In connection with due process rights to have cases determined by neutral and detached judges, see Madison Anderson v. Walter Sheppard, et al., (1988) 856 F.2d 741; Marshall v. Jerrico, Inc., (1980) 446 U.S. 238; 100 S.Ct. 1610; 64 L.Ed.2d 182.

the judge. It requires a judge or magistrate to "disqualify himself in any proceeding in which his impartiality might reasonably be questioned" (28 USC §455(a) (emphasis added)); and it also requires disqualification where the judge or magistrate:

. Has a personal bias or prejudice against a party (28 USC §455(b)(1));

. Has personal knowledge of disputed evidentiary facts (28 USC §455(b)(1));

.Either before or after becoming a judge, was related to or connected with the case, the parties or their attorneys (28 USC §455(b)(2) & (3)); or

. The judge (or magistrate) or a relative has a financial interest in the subject matter in controversy or a party to the proceeding or any interest that would be substantially affected by the outcome of the proceedings (28 USC § 455(b)(4)).

Disqualification is required if a reasonable factual basis exists for doubting the judge's impartiality: "The inquiry is whether a reasonable person would have a reasonable basis for questioning the judge's impartiality, not whether the judge is in fact impartial." [In re Beard (4th Cir. 1987) 811 F2d 818, 827; Perston v. United States (9th Cir. 1991) 923 F2d 731, 734; see also Liljeberg v. Health Services

Acquisition Corp. (1988) 486 US 847, 860-861]

The judge before whom the matter is pending "has a personal bias or prejudice either against him or in favor of any adverse party." [28 USC §144]

The judge must assume that the facts alleged are true, even if he or she knows them to be false. [See Berger v. United States (1921) 255 US 22]

The following cases deal with whether the judge's impartiality "might reasonably be questioned";

1). Shortly after granting summary judgment and awarding fees to Firm, Judge resigned from bench and joined Firm in practice of law. Held: Reversible error; Judge should have rejected employment offer or vacated rulings in question. [In re Continental Airlines Corp. (5th Cir. 1990) 901 F2d 1259, 1262]

2). In a criminal case, trial judge and U.S. Attorney were close friends who intended to vacation together with their families after the trial. Held: The close personal relationship could result in "reasonable question" about the judge's impartiality. [United States v. Murphy (6th Cir. 1985) 768 F2d 1518, 1538-1539]

3). Before his appointment to the bench, the judge had been "of counsel" to the law firm now representing Huges Aircraft. Although Huges was not a party to the wrongful death action pending

before the judge, it could be sued for indemnification if the defendants lost the action. This presented a sufficient risk that the judge's impartiality "might reasonably be questioned by the public." Disqualification was required. [Preston v. United States (9th Cir. 1991) 923 F2d 731, 734]

4). In extraordinary cases, bias for or against an attorney may be so continuing and "virulent" as to amount to bias for or against the party represented. [see Davis v. Board of School Commissioners (5th Cir. 1975) 571 F2d 1044, 1051]

5). The preconceived views may rise to the level of personal bias if it is established that the judge's mind is "irrevocably closed" on the issue as it arises in the context of a particular case...so that the judge is incapable of judging a particular controversy fairly on the basis of its own circumstances. [Southern Pacific Communications v. AT&T, 740 F2d at 911]

6). A negative bias against a party will disqualify "only if...of a kind or degree that a fair-minded person could not entirely set aside when judging certain persons or causes.." [United States v. Conforte (9th Cir. 1980) 624 f2d 869, 884-judge has said Conforte, a brothel owner, was "not good for Reno"]

7) Disqualification is much more likely to be required where the judge's negative attitude toward a party is somehow related to

a suspect or invidious motive such as racial bias, or a dangerous link such as a financial interest. [See United States v. Conforte, supra, 624 f2d at 811]

8). The comment that the judge "would not intentionally discriminate" went to the ultimate merits of the action and would cause a reasonable person to question the judge's impartiality. [Roberts v. Bailar (6th Cir. 1980) 625 f2d 125, 127]

9). Judges or magistrates must recuse themselves if they have "personal knowledge of disputed evidentiary facts in the proceeding." [28 USC §455(b)(1)] The judge or such other lawyer was a material witness concerning the matter in controversy. [28 USC §455(b)(2)] Or, to the judge's knowledge, likely to be a material witness in the proceeding. [28 USC §455(b)(5)] [16:201.1-201.4] Reserved. When judges sitting on a case become aware of grounds for disqualification, they have a duty to recuse themselves under 28 USC §455. [E. & J. Gallo Winery v. Gallo Cattle Co. (9th Cir. 1992) 955 F2d 1327, 1343]

In light of facts stated herein, all of case law are applicable to judges of the federal courts. See various disqualification papers filed in this case and in other cases.

Commissioner Peter Shaw, Deputy Clerk / Motion Attorney Susan V. Gelmis, Judges Robert R. Beezer, David R. Thompson and Thomas G.

Nelson of the Ninth Circuit, who and their conspirators are indicted and prosecuted for felonies for the conspiracy to commit corruption, collusion, forgery, illegal competition and violation of anti-trust law, among other crimes. Appendix D.

They have "so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, so as call for an exercise of this Court's supervisory power." They have also "decided an important federal question in a way that conflict with relevant decisions of this Court."

They refused to disqualify themselves, covered up their and their conspirators' crimes, continued to be "in league with those who were bent upon abrogation of federally protected right." They summarily affirmed a lower court's decision (through another corruption and collusion) which dismissed Petitioner's $300 million case without reviewing the opening brief and reply brief on the merits in furtherance of their criminal conspiracy, and such criminal and judicial misconduct are specifically prohibited by the holdings of Pulliam v. Allen, 466 U.S. 522, 539, 104 S. Ct 1970, 1979 (1984), and Mitchum v. Foster, 407 U.S. 225, 240, 92 S. Ct. 2151, 2161 (1972) (holdings that judges are not allowed to be "in league with those who were bent upon abrogation of federally protected rights.")

This Court should grant the petition.

C. VIOLATION OF THE FCN TREATY

Article VI, Section 4 of the Treaty of Friendship, Commerce And Navigation Between the Republic of China and the United States of America ("FCN Treaty"): "The nationals, corporations and associations of either High Contracting Party shall enjoy freedom of access to the courts of justice and to administrative tribunals and agencies in the territories of the other High Contracting Party, in all degrees of jurisdiction established by law, both in pursuit and in defense of their rights; shall be at liberty to choose and employ lawyers, interpreters and representatives in the prosecution and defense of their rights before such courts, tribunals and agencies; and shall be permitted to exercise all these rights and privileges, in conformity with the applicable laws and regulations, if any, which are or may hereafter be enforced by the duly constituted authorities, on terms no less favorable than the terms which are or may hereafter be accorded to the nationals, corporations and associations of such other High Contracting Party and no less favorable than are or may hereafter be accorded to the nationals, corporations and associations of any third country. Moreover, corporations and associations of either High Contracting Party shall be permitted to exercise the rights and privileges accorded by the preceding sentence upon the filing, at any time prior to appearance before such courts, tribunals or agencies, of reasonable particulars required by the laws and regulations of such other High Contracting party without any requirement of registration or domestication."

Both California courts and the federal courts violate each and every sentence of the above Treaty.

D. THE CRIMINAL INDICTMENT AND CRIMINAL PROSECUTION OF THE STATE JUDGES AND FEDERAL JUDGES JUSTIFY DISQUALIFICATION

Appendix D is true and correct copies of the criminal indictment and criminal prosecution of the state judges and federal judges who conspired to commit bribery, kidnapping for bribes, corruption, collusion, forgery, perjury and other crimes was submitted to USDC and 9th Cir. Such indictment and prosecution occurred after the cases were dismissed without serving a motion for summary judgment and without serving an order from the USDC.

The criminal indictment and criminal prosecution of the Federal Commissioner, Clerk and Judges Peter Shaw, Susan V. Gelmis, David Kenyon, Beezer, Thompson, and T. G. Nelson, as well as state judges Vaino Hassan Spencer, Edward Y. Kakita, Paul A. Turner, Orville A. Armastrong, et al for bribery, kidnapping for ransoms and bribes, corruption, collusion, perjury, forgery, et al constitute a ground for disqualification.

In Bonner v.Circuit Court (8th Cir., 1975) 526 F 2d 1331, 1334; and in United States v. Allen, 542 F 2d 633 (1976), "The Court, however, has recognized that a judge is not absolutely immune from criminal liability, Ex Parte Virginia, 100 U.S. 339, 348-349, 25 L.Ed. 676 (1880), or from a suit for prospective injunctive relief, Pulliam v. Allen, 466 U.S. 522, 536-543, 104 S.Ct. 1970, 1977-1982, 80 L.Ed.2d 565 (1983), or from a suit for attorney's fees authorized by statute, id., at 543-544, 104 S.Ct., at 1981-1982." MIRELES v. WACO 112 S.Ct. 286,

1991.

The Supreme Court observed:

"Judges who would willfully discriminate on the ground of race or otherwise would willfully deprive the citizen of his constitutional rights, as this complaint alleges, must take account of 18 U.S.C. s 242[13]

"Whatever may be the case with respect to ... civil liability for willful corruption, see Alzua v. Johnson, 231 U.S. 106, 110--111 (34 S.Ct. 27, 28--29, 58 L.Ed. 142) (1913); ... we have never held that the performance of the duties of judicial, legislative, or executive officers, requires or contemplates the immunization of otherwise criminal deprivations of constitutional rights. ... On the contrary, the judicially fashioned doctrine of official immunity does not reach 'so far as to immunize criminal conduct proscribed by an Act of Congress ....' Gravel v. United States, 408 U.S. 606, 627, 92 S.Ct. 2614, 33 L.Ed.2d 583 (1972)." Bonner v. Circuit Court (8th Cir., 1975) 526 F.2d 1331, 1334. [Emphasis added, citations omitted].

"Immunity does not change the character of the judge's action or that of his co-conspirators" because "[a] state judge can be found criminally liable under #242." Dennis v. Sparks, 449 U.S. 24, 29, 101

[13] That section provides:
'Whoever, under color of any law , statute, ordinance, regulation, or custom willfully subjects any inhabitant of any State... to the deprivation of any rights, privileges, or immunities, secured or protected by the Constitution or laws of the United States, or to different punishments, pains or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined... or imprisoned....'

S.Ct. 183, 187 and FN5 (1980)[14].

The petition should be granted to resolve the conflict and to resolve the violation of the Constitution and the FCN Treaty.

VIII. CRIMINAL INDICTMENT AND CRIMINAL PROSECUTION ARE SELF-EVIDENT THAT STATE AND FEDERAL JUDGES ARE NOT NEUTRAL AND DETACHED

These state and federal judges were indicted and prosecuted and were disqualified through the filing the motions for disqualification.

The **FCN Treaty, Article VI, Section 2** provides that: "The nationals, corporations and associations of either High Contracting Party ... shall be permitted to exercise all these rights and privileges, ... on terms no less favorable than the terms which are or may hereafter be accorded to the nationals, corporations and associations of such other High Contracting Party and no less favorable than are or may hereafter be accorded to the nationals, corporations and associations of any third country."

In Concrete Pipe & Const. Laborers Pen. Tr., 113 S. Ct 2264, 2277 (1993), this court held that "due process requires a 'neutral and

[14] "The Court, however, has recognized that a judge is not absolutely immune from criminal liability, ... or from a suit for prospective injunctive relief, ... or from a suit for attorney's fees authorized by statute." MIRELES v. WACO 112 S.Ct. 286 (1991) [Citations ommitted].

detached judge in the first instance' ... one is entitled as a matter of due process of law to an adjudicator who is not in a situation 'which would offer a possible temptation to the average man as a judge ... which might lead him not to hold the balance nice, clear and true."

Over 10 decisions of the federal judges, and over 100 decisions of the state judges as well as overwhelming evidence before the criminal courts and the Offices of the Prosecutors, prove that these judges are crooks, are dirty and are liars.

Second, a judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction." MIRELES v. WACO 112 S.Ct. 286, 288: (1991).

"[A] judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction. Id., at 356-357, 98 S.Ct., at 1104-1105; Bradley v. Fisher, 13 Wall., at 351." MIRELES v. WACO 112 S.Ct. 286, 288. (1991)[15].

"[T]he trial judge properly applied the rule of Stump v.

[15]"In determining whether an action is "judicial," We consider the nature of the act and whether it is a "function normally performed by a judge." Stump v. Sparkman." MIRELES v. WACO 112 S.Ct. 286, 289. (1991).

"Moreover, even if the act is "judicial," judicial immunity does not attach if the judge is acting in the " 'clear absence of all jurisdiction.' " Stump v. Sparkman, 435 U.S., at 357, 98 S.Ct., at 1105 (quoting Bradley v. Fisher, 13 Wall. 335, 351, 20 L.Ed. 646 (1872))" MIRELES v. WACO 112 S.Ct. 286, 289. (1991).

Sparkman, 435 U.S. 349, 98 S.Ct., 1099, 55 L.Ed.2d 331, in holding that the acts perpetrated outside of Judge Harvey's courtroom and not then a part of his judicial functions were undertaken in the "absence of all jurisdiction." These acts involved the defendant's repeated communications to the press" Slyvester HARRIS v. Richard G. HARVEY, 605 F.2d *336 (7th Cir 1979)[16].

IX. SUMMARY AFFIRMATION OF ALL USDC'S DECISIONS, AFTER COMMISSION OF BRIBERY, CORRUPTION, COLLUSION, ET AL., VIOLATE U.S. CONSTITUTION AND FCN TREATY

Without notice to Petitioners, and without an opportunity to be heard, the corruptive and collusive judges of 9th Cir. summarily affirmed all decisions of the USDC -- more than 10 appeals-- without

[16]"We also agree that nonetheless Judge Harvey was acting under color of law by using the power and prestige of his state office to damage the plaintiff." "When the defendant Judge Harvey urged the discharge of Lieutenant Harris with racial overtones in out-of-court conversations ... he was acting as a functionary of the state * * *." Slyvester HARRIS v. Richard G. HARVEY, 605 F.2d *337 (7th Cir 1979).

"We agree with the district court that such an intentional tort inspired by racial animus and perpetrated under color of state law constitutes a denial of equal protection. Defendant has produced no said holding that such an action is not cognizable under Section 1983. Here the defendant was action under color of law, and the jury found that his racially motivated actions had injured plaintiff. Such a claim is clearly within the purview of Section 1983." "However, as the district court pointed out, plaintiff's claim was not for defamation but for an intentional deprivation of equal protection of the laws" "The jury's findings that defendant's actions were not only racially motivated but were of an action-intended-to-injure quality establish that they were neither fair comment nor the type of speech that is protected by the First Amendment." Slyvester HARRIS v. Richard G. HARVEY, 605 F.2d *338 (7th Cir 1979).

notice and without the opportunity to be heard.

Both U.S. Constitution and the FCN Treaty mandate the notice to petitioners and an opportunity to be heard. The judges in the 9th Cir. are now subject to criminal prosecution and civil actions for their criminal commissions.

This Court shall not continue to close their eyes by allowing the largest corruption to go on in California.

CONCLUSION

For the reasons set forth above, a writ of certiorari should issue to review the judgments and opinions of the Court of Appeals and the United States District Court in this matter[17].

DATED: January 22, 1996

Respectfully submitted,

Shieh Liang Houh

Law Offices of Shieh Liang-Houh
Attorney For Petitioners

[17] If this court elects not to address the issues presented in this writ at the present time, it is requested that the writ issue and that the matter be remanded to the Court of Appeals for redetermination of all issues presented in the Questions Presented.

FILED
DEC 13 1995
CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

In re: LIANG-HOUH SHIEH, aka SHIEH LIANG-HOUH, Respondent.	No. 95-80348 ORDER

On October 27, 1995, this court issued an order directing respondent Liang-Houh Shieh to respond and show cause why this court should not issue the following pre-filing review order preventing him from filing new appeals in this court without the permission of the court. Respondent has failed to file a timely response to the order to show cause.

Pursuant to this court's October 27, 1995 order, the following pre-filing review order is hereby entered. Respondent's failure to comply with the order shall result in any new appeal(s) he seeks to file being dismissed or not being filed and other sanctions being levied against respondent, such as a monetary judgment or a judgment of contempt, as the court may deem appropriate.

Pre-Filing Review Order

(1) This pre-filing review order shall apply to all notices of appeal filed by respondent, in whole or in part, if he proceeds pro se. This order shall not apply to appeals in which respondent has counsel or where the district court has expressly certified in its order that the appeal is not frivolous. Should respondent

[appellant] unless he has first obtained leave of the court of file such papers").

(5) This pre-filing review order shall remain in effect until further order of this court. Respondent may, no earlier than January 1, 1998, petition the court to lift this pre-filing review order, setting forth the reasons why the order should be lifted.

For the Court:

Susan Gelmis

Susan V. Gelmis
Motions Attorney/Deputy Clerk
Local Rule 27-7

PSM.Orders 12/95/sg

HIGHBERGER, KAKITA, SPENCER & TURNER MAF CORP
P.O. Box 84-242
Taipei, Taiwan
Fax: (011-886)2-3939-411
(011-886)2-394-0530 (answering/fax machine)

January 17, 1996

Via Fax (415)744-9098

Mr. Wayne Price
Clerk
United State Court of Appeal
of 9th Cir.
121 Spear Street, P.O. Box 193939
San Francisco, CA 94105
USA

Re: File No. 95-80348

Dear Mr. Price:

This letter confirms the telephone conversation this morning at approximately 2:00a.m. Taipei time, which was approximately 10:00a.m. on January 16, 1996 San Francisco time. In that telephone conversation, you agreed to fax us the October 27, 199. order to show cause right away. The fax numbers were given to you as (011-886)2-3939-411, and 413 as well as (011-886)2-394-0530 (answering/fax machine). However, we have not received any fax from you yet.

As indicated in the telephone conversation, a petition for certiorari will be filed and the 90 days will be expired soon (1/25/96 the USSC must receive it). No one has ever received that order to show cause. Your prompt fax will be greatly appreciated.

By accepting the fax, we don't waive any and all rights for the ck of service and others.

You indicated that Peter Shaw, a Caucasian Commissioner, i sued that order to show cause, and that the Dec. 13, 1995 order was made solely by Susan V Gelmis. Please correct the above immediately, if any of the foregoing is incorrect.

Very truly yours,
Highberger, Kakita, Spencer & Turner MAF Corp.

Highberger, Kakita, Spencer & Turner MAF Corp.

[lt\ls\f\6\1\t]

MESSAGE CONFIRMATION

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FILED
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CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SAY & SAY CORPORATION, et al.,

Plaintiffs-Appellants,

vs.

EDWARD Y. KAKITA, Superior Court Judge, et al.,

Defendants-Appellees.

No. 94-55649

DC# CV-93-6547-DVK
Central California

ORDER

Before: HALL and TROTT, Circuit Judges

The following requests contained in appellants' October 25, 1994 reply to the opposition to their motion for extensic of time are denied: (1) "request to comply with the guideline of the State Department, the laws in the Republic of China, and the international law," and (2) request for additional time for service.

No motions for reconsideration, rehearing or clarification of this order shall be filed or entertained.

[English Translation[1]]

CRIMINAL INDICTMENT

Parties	Names[2]	Addresses & Telephone Nos.
Criminal Defendant	1.	Vaino Hassan Spencer 300 South Spring Street Los Angeles, CA 90013 U.S.A. Female, USA[3] Born: July 22, 1920
Criminal Defendant	2.	Edward Y. Kakita 111 North Hill Street Los Angeles, CA 90012 U.S.A. Male, USA Born: May 8, 1940
Criminal Defendant	3.	William Foster Highberger 333 South Grand Avenue 49th Floor Los Angeles, CA 90071 U.S.A. Male, USA Born: May 15, 1950
Criminal Defendant	4.	Ivy Tak Ling Yuen 1122 East Green Street Pasadena, CA 91106, U.S.A. Female, Mainland China Born: July 8, 1960
Criminal Defendant	5.	Gerald Vernon Hollingsworth, Jr. 1122 East Green Street Pasadena, CA 91106, U.S.A. Male, USA Born: November 10, 1960
Criminal Defendant	6.	Andrew Castellano 1004 Arroyo Drive, No. 2 South Pasadena, CA 91030, U.S.A. Male, USA Born: April 7, 1934
Criminal Defendant	7.	Wesley Allen Rusch 837 Traction Avenue Los Angeles, CA 90013-1840 U.S.A. Male, USA Born: October 2, 1956
Criminal Defendant	8.	Francisca Noemi Araiza 3852 E. Colorado Blvd. Pasadena, CA 91107 U.S.A. Female, USA Born: January 29, 1960
Criminal Defendant	9.	Paul A. Turner 300 S. Spring Street Los Angeles, CA 90013 USA Male, USA Born: January 12, 1947
Criminal Defendant	10.	Jerold A. Krieger 111 N. Hill Street Los Angeles, CA 90012-3117 USA Male, USA Born: December 12, 1943
Criminal Defendant	11.	David V. Kenyon, 312 N. Spring Street Los Angeles, CA 90012, USA Male, USA Born: September 10, 1930

[1] In case the English translation defers from the Chinese version, the Chinese version shall control and govern.

[2] The Sex, Date of Birth and Place of Birth or Nationality of each criminal defendant are listed under each criminal defendant's portion infra.

[3] It means either the place of birth or the nationality.

Criminal Defendant 12. C. Bernard Kaufman
24701 Guy Road
Hidden Hills, CA 911302
USA
Tel: 818-888-8896

Male, USA
Born: November 27, 1927

The Criminal Defendants[4] herein have jointly and severally committed using false business records, using forged documents, kidnapping for ransoms, forgery and alteration of the stock certificates, extortion, blackmail and intimidation, defamation, using forged and altered evidence, burglary, larceny and theft, infringement of credit, revealing the secrets of another, unfair competition, et al. The Criminal Defendants are hereby indicted pursuant to the laws.

I. The Statement of the Background of Crimes Committed by the Criminal Defendants.

(1) This case was originally investigated by the Offices of the Public Prosecutors (1995, investigation no. 2669, originally assigned to Division "Yang" and now, in Division "Lai"). The Public Prosecutor recommended that this case be prosecuted by the Prosecutor herein. This court is hereby requested to transfer the investigation files from the Offices of Public Prosecutor to this court to avoid the repetition on the investigation of the same evidence.

(2) To become a lawyer and a judge in the United States is very easy. The annual passing rate is approximately 90% nationwide. Despite of the fact that there are many bad schools in the State of California, the annual passing rate for the bar examination in the State of California is approximately 77% (Evidence 1). Approximately one-third ("1/3") of the judges in the Los Angeles area are graduates of such bad schools. The law graduates of the top ten law schools can be hardly found. The legal and moral quality of the American lawyers and judges differs one from another. The American judges are elected and appointed through the large law firms and the special interest groups behind the scene. Most judges are used and controlled as the instrumentalities by the

[4] Hereinafter individually cited as "CD" and collectively cited as "CDs".

large law firms. (American lawyer Haddix's testimony in the investigation files). The judges herein lost their independence completely. The judges or their clerks simply stamp or sign, without any change, of the decisions and orders prepared by the Caucasian lawyers, and become the civil and criminal decisions and orders pursuant to their purpose of "complete control" and "interest transfer". (American lawyer Andion's testimony in the investigation files). Caucasian judge Phillip Cox admitted: "This is an unusual case where they've extended it [vexatious litigant statute] to them when he [Shieh] has an attorney representing him. As I tell you, they are my bosses, and I can't overrule the[m][5]." (The transcript of the proceeding will be submitted later). The American Caucasian lawyer Richard R. Hopkins admitted that when Shieh and his lawyers are before the courts in the Los Angeles area, they are "like a Jew in the Nazi Germany". (Evidence 2). In the "Nazi court", "every motion or every opposition made" by Criminal Defendants herein "is gospel truth and everything that I say is not[6]." (The transcript of proceeding ["TP"] will be submitted later). In this most outrageous and most ridiculous Los Angeles area, where there is no law at all, the Criminal Defendant no. 12 C. Bernard Kaufman directly and indirectly admitted in his last day of the proceedings before his retirement: "Everything we're saying here is going on the record, but obviously my mind does question things, but things that happen, things that happen, I can't change them, so I'll let it go[7]." (TP will be submitted later). One who is corruptive, is in violation of the law, is in violation of the duty, is capable of committing crimes under the sun, "his words are true, when he will soon retire."

(3). The gross income of the Prosecutor often reaches several million United States Dollar per year because he is licensed to practice law in Taiwan and in the US, and because he received the J.D. and J.S.D. degrees from the Yale University. The Criminal Defendants are those who became bad judges and bad lawyers through the above process. They engaged in unfair competition and in destroying Prosecutor's clients' basis. They conspired with judges

[5] The above languages are quoted "word by word" from the transcript of the proceeding in Highberger, Kakita, Spencer & Tuner Mafia Ct., et al v. David, et al dated December 7, 1993 in the Superior Court of the State of California for the County of Orange.

[6] The word by word quotation of the transcript of proceeding in Highberger, Kakita, Spencer & Turner MAF Corp., et al v. Highberger, et al and Highberger, Kakita, Spencer & Turner MAF Corp., et al v. Castellano, et al, dated April 22, 1995, at 8, lines 15-17.

[7] Word by word quotation from the TP in the above two cases, dated April 22, 1995, at 14, lines 11-14.

to "corrupt, violate the law, violate the duty" and to extort Prosecutor to pay them the alleged US$1 million bribes or illegal money. They conspired with each other to commit blackmail, extorsion, kidnapping for ransoms, and put Prosecutor in the "false lights" completely. The winning rate was 100% (the Affidavit of Percy Chien will be submitted later) or near 100% when the Prosecutor represented his clients in the United States. Nevertheless, the Criminal Defendants committed forgery, forged and altered the evidence, forged the courts' decisions and lied to the world that (1) Prosecutor has no attorney representing him (in fact, the Criminal Defendants have never seen Prosecutor in the court representing himself, and the Prosecutor was represented by lawyers) and (2) Prosecutor's cases are completely without merits in law and in fact. Criminal Defendants corrupted with judges not to review the civil and criminal cases of the Prosecutor and his clients, to automatically dismiss their cases or to automatically rule against Prosecutors and his clients (Affidavit of Percy Chien will be submitted later). In order to take away all of Prosecutor's clients, Criminal Defendants conspired with each other and completely prohibited Prosecutor from filing the "complaints", "cross-complaints", "motions" and "appeals", et al. (Evidence nos. 2 to 5). Those who did not abandon Prosecutor's cases were either punished or sentenced to jail without any factual and legal basis. (See the testimonies of Hopkin [sic][1] and Andion before the Offices of the Public Prosecutors). Criminal Defendants "secretly" forged documents and put Prosecutor in an involuntary inactive enrollment ["IIE"] without serving Prosecutor properly and legally in order to take away all of Prosecutor's clients. Criminal Defendants then shared the profits from the taking of Prosecutor's clients' money and benefits.

II. The Facts and Evidence of the Crimes

(1) Using False Business Records

1. Criminal Defendant Highberger recorded false information that Prosecutor is not a member of the United States court (alleged Counsel ...) in his business documents in Evidence nos. 24, 25 and 23. Criminal Defendant Highberger also made such false statement before the federal court (See Evidence 8, lines 22 to 24). In fact, Prosecutor was admitted to practice before the United States District Court for the Central District of California (This can be proved from Evidence 9, page 2, the Certificate of Admission. The fact of the admission is a public record. Anyone can obtain such information). Criminal Defendant Highberger further recorded false information in Evidence 5, line 10 and Evidence 6 and 7, line 9 that the Prosecutor's papers submitted to the court

[1] Due to the clerical error, the word "Hopkin" should be "Haddix". Both words are very similar when translated into Chinese.

as "without merit and frivolous." The federal court did not use such words in making that decision. Criminal Defendant Highberger knows the allegations are not true, but nevertheless recorded such falsity in his business records and distributed them to Taiwan (this can be proven from Evidence nos. 5, 6 and 7, the last page, the names and addresses on the service list) in order to injure Prosecutor. Criminal Defendant Highberger is suspected to commit Article 216 of the Criminal Code.

2. Pursuant to Evidence 10, page 2, lines 9-11, Criminal Defendant Highberger deceived that Prosecutor represented Criminal Defendant Highberger without his authorization, et al. In fact, Prosecutor has never stated that he represented this criminal, how could the issue of authority come into play? In Evidence 27, Criminal Defendant Highberger falsely recorded in his business records that his pleadings were mailed to the Prosecutor in Taiwan by his secretary Geri D. Hollins on April 12, 1995 with postage fully prepaid (See Evidence 10, page 3, lines 8 and 18 and page 4, lines 6-7). Evidence 10 is a copy of the envelop which shows that the mailing date was in fact April 18, 1995 and the postage is insufficient (at least US$6.00 is required for the international mail with such weight). This is another evidence of using false business records.

3. Criminal Defendant Highberger and other Criminal Defendants in their business records submitted to the American courts recorded that Prosecutor was litigating his cases without lawyers (i.e., In Pro Per, see Evidence 2, Criminal Defendant Highberger recorded such words in many places in that pleading). The Fact that Prosecutor was represented by lawyers in all his cases was proved by the court's files (the counsel for the Prosecutor is shown on the upper left corner of the pleadings in Evidence 11, 21) and by the declarations of Richard R. Hopkins and James L. Andion. On May 12, 1995, Lance Haddix, Esq. also testified the same and confirmed the truth of the declarations of Richard Hopkins and James L. Andion. (Evidence 12). Accordingly, the false business records recording that Prosecutor was in pro per and was satisfied with all requirements under the §391(b) of the California Code of Civil Procedure ["CCP"] for a "vexatious litigant" are contrary to the facts. Criminal Defendant knew that the above are false, but nevertheless wilfully, maliciously and intentionally recorded such falsities in their business records. Criminal Defendant used such false business records and used the State Bar of California ["SBC"] and courts as their instrumentalities (Criminal Defendant Spencer delivered such false business records to the State Bar of California, and in turn delivered the same to Taiwan) in order to injure and harass Prosecutor (this can be proved from the fax and envelop in Evidence 13). It is clear that Criminal Defendants have committed the above crimes.

4. Moreover, Honorable Judges Dickran Tevrizian and Mariana R. Pfaeizer of the United States District Court for the Central District of California had never declared Prosecutor as a vexatious litigant. At that time, there was no vexatious litigant statute, rule or law under the federal system. This fact can be proved from Evidence 4 and 21 which consist of the decision of the federal court and from the testimonies of Lance Haddix and James L. Andion before the Offices of the Public Prosecutors. Under American case law, a plaintiff can legally refile the same claims in the state court when the federal court declines to exercise the supplemental jurisdiction and dismisses the state claims (Evidence 18). When the court dismisses a case for lack of prosecution, plaintiff can legally refile the same claims (Evidence 19). Prosecutor's clients' and relatives' cases are not his cases in pro per. This can be proved from the testimonies of President Wang of the Ching Luen Enterprises Co., Ltd. and President Chien of the PSJ Corp., as well as Evidence 4, 23. It is more than clear that Criminal Defendants wilfully, maliciously and intentionally used forged documents, used forged and altered evidence and used false records.

5. Criminal Defendants conspired with each other to circulate the above false documents in the United States and in China [Taiwan] in order to injure Prosecutor's reputation. Criminal Defendants further conspired to put Prosecutor in an involuntary inactive enrollment ["IIE"] (Evidence 19). Criminal Defendants conspired with the judge of SBC to throw away Prosecutor's pleadings, to refuse to file such pleadings or enter them into evidence, but to enter the "default judgment" against Prosecutor. Judge [Robbins] admitted such crime. A copy of such false records were delivered to the non-parties Steedman and Batchelor (cc: Donald R. Steedman Cydney Batchelor), who in turn delivered such false records to Criminal Defendant Highberger, et al, and Criminal Defendants in turn delivered the same to places in Taiwan. As a consequence, Prosecutor is unable to continue to represent his clients on the ongoing cases and to represent his new clients in Taiwan and all places in the world. The court should punish Criminal Defendants with such crimes in accordance with the laws.

(2). Criminal Defendants Jointly And Severally Used The Forged Documents

1. Criminal Defendants nos. 3, 4. 5, 6, 7 & 8 were in pro per (see the upper left corner of Evidence 3 and other evidences to be submitted later) and did not spend any money for the attorneys fees. They conspired with Criminal Defendants nos. 1, 2, 10 & 12 Kaufman, et al to forge the documents, to forge and alter evidence, to record false information, to request Prosecutor to pay them approximately US$1 million attorneys fees and to post US$47 million attorneys fees as bond as a condition to process the case. Criminal

Defendants used such documents to put Prosecutor in an IIE (Evidence 4, last page, Evidence nos. 19, 20). The above ridiculous decisions are void and null in their face and thus, no effect upon Prosecutor. However, Criminal Defendants conspired with SBC and judges to form a group for the purpose of criminal extortion for ransoms so as to collect all severally million US$ of profits and benefits per year and to discriminate against Prosecutor on the basis of race, color and national origin. The Superior Court of the State of California ["SC"] and the United States District Court for the Central District of California ["USDC"] (Criminal Defendants nos. 2, 10, 11 & 12) expressly stated that they would not review Prosecutor's cases and would rule against Prosecutor anyway. The Court of Appeals of the State of California, [Second Appellate District] ["CCA"] (Criminal Defendants Nos. 1 & 9) expressly stated that they would not review any of Prosecutor's appeals and writs of mandate/prohibition. They ordered the lower courts to dismiss all Prosecutor's cases (Evidence 4, the second to the last page) unless over US$300,000 (which is, in fact, bribes since no attorneys fees were spent) is collected from Prosecutor before the dismissal of Prosecutor's cases. The Supreme Court of the State of California ["CSC"] has never accepted Prosecutor's cases for review. The above facts were admitted by Criminal Defendants 1, 2, 9, 10 & 12, were testified by Haddix and Andion, attorneys at law, were proved by the declaration of Richard R. Hopkins and by the affidavit of Haddix signed before the notary public of the Taipei District Court (Evidence 4, 12, California judges ruled against Prosecutor even before reviewing the pleadings). Criminal Defendants corrupted with judges in order to deprive Prosecutor of all his constitutional and federal rights and to take away Prosecutor's clients and money.

2. Criminal Defendants no. 3 Highberger and no. 5 Hollingsworth forged other parties' pleadings for the signature of the federal judges (Evidence 21 proves that Highberger and Hollingsworth did not have authority to represent others; In evidence nos. 5, 6, 7, first page, line 18, the circled portions prove that they forged such authorities, the same as Evidence 23).

3. Other Forged Documents Will Be Submitted Later.

(3) Defamation

1. All Criminal Defendants repeatedly defamed Prosecutor as a "vexatious litigant" (Evidence 3, 4 and 10, page 2, Evidence 19, page 3).

2. Criminal Defendant no. 3 Highberger defamed Prosecutor as "the corporation's alter ego", and defamed Prosecutor using "corporate shell to sue." (Evidence no. 19, pages 2 & 3 the circled

parts).

3. Once the documents stated in this case were delivered to the California government (Evidence 19), and federal government (Evidence 20), the federal courts or California courts (some evidence in this case), the documents become "public records" that anyone can copy and review the documents. Criminal Defendants wilfully and intentionally published, circulated and used the documents in Taiwan. As a matter of fact, Criminal Defendants have published, circulated and used such false documents and forged documents in Taiwan. (Evidence 13 & 19, page 3, the upper left corner).

(4). Larceny And Theft

1. Criminal Defendant no. 3 Highberger and Criminal Defendants nos. 4 and 5 admitted that they conspired with a lawyer in Taiwan to steal Prosecutor's documents (including the file copy of the bills issued to the First Commercial Bank and the Medium Business Bank of Taiwan). This can be proved from Criminal Defendant Highberger's declaration and the documents stolen (Evidence 23 and 24).

2. Other stolen documents and goods are under investigation.

(5). Extortion And Blackmail For Ransoms

1. Criminal Defendants conspired with each other to extort and coerce Prosecutor to pay them over $450,000.00 bribes or illegal ransoms. Mr. Hopkins can prove it.

2. Criminal Defendants used the "disciplinary proceeding of the State Bar Court of the State Bar of California" as an instrumentality to extort, coerce, blackmail and intimidate Prosecutor and his lawyers to pay them and judges approximately US$1 million as bribes or illegal ransoms. Because Prosecutor has not yet paid, they put Prosecutor in IIE. (Evidence 19). The lawyers of Prosecutors are subject to disciplinary proceedings. Mr. Haddix testified this before the Offices of Public Prosecutors.

(6) Offenses Against Credit And Offenses For Revealing Business Secret

As well, Criminal Defendants' above crimes constitute the

offenses against Prosecutor's credit and reputation under Article 313 of the Criminal Code, and the Offenses for revealing secret under Article 316 of the Criminal Code as well as the violation of the Laws Governing the Unfair Competition And Anti-trust.

(7) Kidnapping For Ransoms And Conspiracy For Kidnapping For Ransoms

1. Except Criminal Defendant no. 11, all Criminal Defendants conspired with each other and kidnapped Prosecutor for seven days from February 10, 1994 (Chinese New Year) through February 16, 1994.

2. Third party conspirator Batchelor (the instrumentality of Criminal Defendants) admitted on March 9, 1995 that she contacted with a lawyer in Taiwan to follow Prosecutor's whereabouts in order to kidnap Prosecutor.

(8) Forged and Altered Stock Certificate

It appears that Criminal Defendants forged, altered stock certificates of the "Highberger, Kakita, Spencer & Turner MAF Corp." or "Say & Say" and falsely stated that the corporation is "owned and controlled solely" by Prosecutor.

(9). Used Forged, Altered Evidence.

It appears that Criminal Defendants have used the above forged, altered evidence.

III. The Crimes Were Committed In Taiwan And Taiwan Has Jurisdiction Over These Crimes

(1). Criminal Defendants nos. 3, 4 & 5 admitted that they conspired with a lawyer in Taiwan, stole Prosecutor's documents, defamed Prosecutor and delivered the false business records and forged documents to that lawyer in Taiwan (Evidence nos. 4, 19 & 20) and others (Evidence 25). The place of stealing and the place of using the false business records and forged documents are in Taiwan.

(2) All evidences stated herein were used by Criminal Defendants in Taiwan. The envelops and the declarations of Highberger are supporting evidences. (Evidence nos. 13 and 24).

(3). Criminal Defendants wilfully and intentionally refused to keep these documents as "confidential", but revealing them as "public documents", as well as circulated and used in the public (including Taiwan). (Evidence nos. 4, 5, 6, 7, 10, 19).

(4). Criminal Defendants extorted, blackmailed and intimidated

Prosecutor in Taiwan through international telephones, international faxes and international mail, all reached Taiwan.

(5). The commission of the kidnapping for ransoms is punished by death under the Law Governing the Punishment Against Robbery And Related Crimes, and is punished by death, life imprisonment or at least seven years imprisonment. Both are the cases which have the least punishment of three years under Article 8 of the Criminal Code. The courts of the Republic of China ("ROC") has jurisdiction. Criminal Defendants conspired with a lawyer in Taiwan to attempt to kidnap Prosecutor, in the second time, the place of crimes is also in Taiwan. The court of the ROC has jurisdiction. (Article 4 of the Criminal Code).

(6). Criminal Defendants forged, altered the stock certificates, the court of the ROC have jurisdiction. (Subsection 4 of Article 5, and Article 201 of the Criminal Code).

(7). Criminal Defendants conspired each other and shared their crimes performances. Their commissions of crimes are continuous and repetitive. They shall be punished for all crimes conspired. (See Evidence 25, our country's precedents and the resolutions of the meetings).

IV. The judges of our country are the best among thousands of people. Their legal and moral quality is far better than American judges. Handling the foreigners' and Caucasians' criminal cases shall be the same as handling the domestic criminal cases, without any exception. In order to protect the judicial independence and our country and to protect our people's rights and privileges, Prosecutor respectfully requests this court to punish Criminal Defendants so as to punish the illegality and to support the public trust to our judiciary. Respectfully submitted to the Offices of Public Prosecutors [sic][9] of the Taipei District Court.

Evidence: See the Evidence List

Dated: August 2, 1995

[9] Due to clerical error, it should be the "Criminal Court."

一	Vaino Hassan Spencer (文森)	男	一〇〇一二十九		美國	300 SOUTH SPRING STREET,LOS ANGELES.C.A. 90013 U.S.A			
二	EDWARD Y. KAKITA (卡其塔)	男	一〇〇一八五九		美國	111 NORTH HILL STREET,LOS ANGELES,C.A. 90012 U.S.A			
三	WILLIAM FOSTER. HIGHBERGER (海伯格)	男	一〇二五五九		美國	333 SOUTH GRAND AVENUE,LOS ANGELES,C.A. 90071 U.S.A			

第 1 頁 .

四	Ivy Tak Lin (文德	女	四六		美國	1122 Green Stree			
	g Yuen (文源		〇七			t Pasadena C.A.9			
	.文)		〇八			1106			
						U.S.A.			
五	Gerald Varno	男	五六		美國	1122 East Green			
	Hollingsworth		一一			Street Pasadena,			
	h (海格 .海格		一〇			CA 91106 USA.			
	L海								
	海格								
六	Andrev Caste	男	一一一一		美國	1004 Arroyo Driv			
	llano (卡諾		〇四			e, No. 2. S. Pas			
	卡諾.卡諾		〇七			adena			

	律師					CA91030	SA
	)						
十	被告	Wesley Allen	男	白	美	837 Traction	Av
		Rusch (被告		O		lenue LA, CA	
		z .被告)		O		U.S.A.	
八	被告	Francisca Noi	女	白	美	3852 E. Colorado	
		emi Araiza 』		O		Blvd, Pasadena	
		『被告訴訟代		九		CA 91107 USA	
		ID医					
		证书)					
九	被告	Paul A. Turn	男		北	美	300 S. Spring St
		er (被告.东		O			reet LA. CA90013

第11頁

	』被)					USA	
十	被告	Jerold A. Kr	男			美	111 N. Hill Stre
		ieger (被告』					et LA. CA 90012-
		D校医师)					3117
							U.S.A.
十一	被告	David V. Ken	男		北	美	312 N. Spring St
		yon (北被 .1		O	北		reet LA. CA90012
		管补)			O		U.S.A.
十一	被告	C. Bernard K	男		北	美	507 Bethany Rd.
		aufman (中华					Burbank.C A 9150
		.与被收)			十		14 USA

第12頁

7・矮生

David S. Eisen.

520 S. Grand Avenue.

8th Floor

Los Angeles, CA 90071

U.S.A.

生日：民國45年2月18日 (1956)

男・美國

8・死敵寒

Erik F. Stidham

住址同上

生日：民國53年12月25日 (1964)

男・美國

9・苦得因

Alfred T. Goodwin

121 Spear Street

P.O.Box 193939

San Francisco, CA 94105

U.S.A.

男・美國

10・猴精

Charles E. Wiggins

50 W. Liberty Street, #950

Reno, NV 89501 U.S.A.

生日：民國16年12月3日 (1927)

男・美國

11．死泥

Joseph T. Sneed

住址同九

男，美國

12．不耳

Cecil F. Poole

住址同九

生日：民國2年7月25日 (1913)

美國

13．薄狼泥踢

Melvin Brunetti

住址同上

美國

14．逼箠

Robert R. Beezer

住址同上

男，美國

15．湯不敖

David R. Thompson

住址同上

生日：民國19年12月26日 (1930)

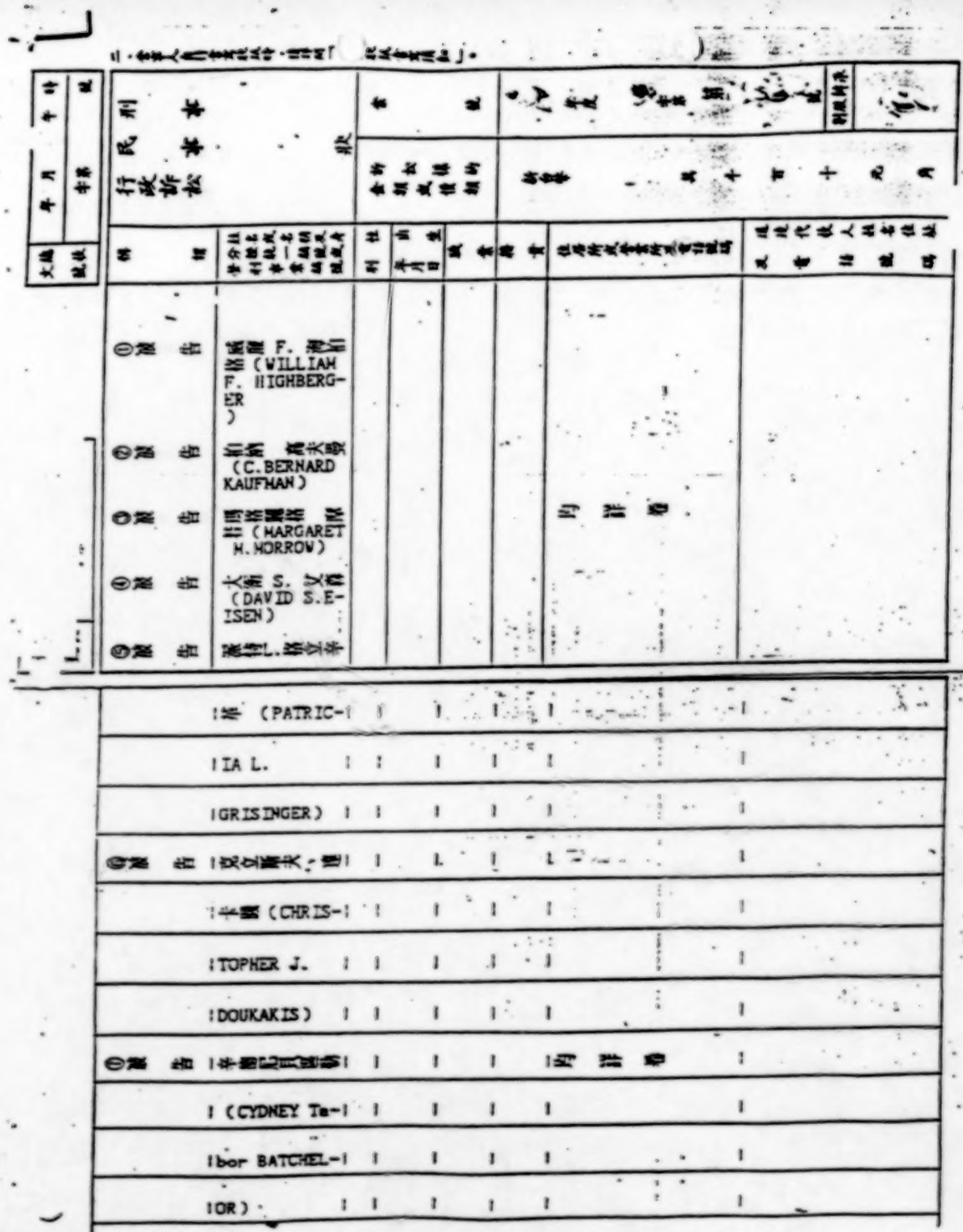
男，美國

16．泥耳敖

Thomas G. Nelson

住址同上

男，美酉



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Law Governing Extension of Assistance to Foreign Courts

Promulgated and effective on April 25, 1963

Article 1

Unless otherwise specifically stipulated by treaty or other law, the courts of the Republic of China shall upon request render assistance to the foreign courts in handling civil or criminal cases in pursuance of this law.

Article 2

Such assistance shall not violate the statutes and ordinances of the Republic of China.

Article 3

The substance of each case commissioned by a foreign court shall be stated in writing and transmitted through diplomatic channels.

Article 4

The foreign country where the foreign court requests for an assistance from the court of the Republic of China must state that it would provide a reciprocal assistance if a court of the R.O.C. requests for an assistance under the same or similar circumstance.

Article 5

The court of the Republic of China which is requested by the foreign court to extend an assistance to the foreign court concerning the service of process of a civil or criminal pleading

PROOF OF SERVICE
REPUBLIC OF CHINA

I am in the Republic of China.
I am over the age of 18 and not a party to the within action. On January 19, 1996, I served the foregoing document described as petition for certiorari on the following.

( ) by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:
(X) by placing ( ) the original (X) a copy thereof enclosed in envelopes addressed as follows:

Solicitor General
Department of Justice
Washington, D.C. 20530
U.S.A.

Attorney General and
Christopher C. Foley
300 S. Spring Street
Los Angeles, CA 90013
U.S.A.
(for Attorney General re: constitutionality of state statutes, et al, and allegedly for court of appeal judges)

De Witt W. Clinton
County Counsel
Frederick R. Bennett
Assistant County Counsel
648 Hall of Administration
500 West Temple Street
Los Angeles, CA 90012
USA
(allegedly for superior court judges) USA

(X) By Mail
( ) I deposited such envelope in the mail at Republic of China. The envelope was mailed with postage thereon fully prepaid.
(X) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with Chinese postal service on that same day with postage thereon fully prepaid at Republic of China in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

( ) (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(x) (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Signature

[c:\lt\ka\6a\cert]

PROOF OF SERVICE
REPUBLIC OF CHINA

I am in the Republic of China.
I am over the age of 18 and not a party to the within action. On January 22, 1996, I served the foregoing document described as petition for certiorari on the following.

( ) by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:
(X) by placing ( ) the original (X) a copy thereof enclosed in envelopes addressed as follows:

Solicitor General
Department of Justice
Washington, D.C. 20530
U.S.A.

Attorney General
300 S. Spring Street
Los Angeles, CA 90013
U.S.A.

United States Court of Appeals
For the 9th Cir.
121 Spear Street,
San Francisco, CA 94105
USA

(X) **By Mail**
( ) I deposited such envelope in the mail at Republic of China. The envelope was mailed with postage thereon fully prepaid.
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(x) (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Signature

[c:\lt\ls\fv\6a\cert]

PROOF OF SERVICE
REPUBLIC OF CHINA

I am in the Republic of China.
I am over the age of 18 and not a party to the within action. On January 22, 1996, I served the foregoing document described as Motion For Leave To Proceed In Forma Pauperis on the following.

( ) by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:
(X) by placing ( ) the original (X) a copy thereof enclosed in envelopes addressed as follows:

Solicitor General
Department of Justice
Washington, D.C. 20530
U.S.A.

Attorney General
300 S. Spring Street
Los Angeles, CA 90013
U.S.A.

United States Court of Appeal for the Ninth Cir.
121 Spear Street,
San Francisco, CA 94105
USA

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( ) I deposited such envelope in the mail at Republic of China. The envelope was mailed with postage thereon fully prepaid.
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(x) (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

GV

Signature

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document shall conduct the service of process in accordance with the Code of Civil Procedure or the Code of Criminal Procedure.

Each foreign court requests for the assistance from the court of the Republic of China shall set forth in its commission power of attorney the name, nationality, and domicile, residence, or office address, business address of the person to be served.

Article 6

Each court shall effect discovery [investigation of evidence] according to the theme of the foreign court's commission and in accordance with the provisions governing the discovery under the Code of Civil Procedure and the Code of Criminal Procedure.

Each foreign court requests for the assistance from the courts in the Republic of China for the discovery shall, in its commission, set forth the names of the parties, the device of discovery [kinds of evidential methods], the names, nationality, domicile, residence, or office address, business address of the responding party or third party, and set forth the matters subject to the discovery to be investigated. If it is a criminal case, a summary of the criminal case shall be attached.

Article 7

If the commission power of attorney requesting for the assistance from the courts of the Republic of China and other relevant documents of a case are in a foreign language, true Chinese translations shall be attached with a certificate that the translation is true and correct.

Article 8

The fees for the service of process or discovery in a civil case shall be those provided by the relevant laws of the Republic of China concerning such fees. The fees for the service of process or discovery in a criminal case are the actual fees spent by the courts of the Republic of China and shall be reimbursed by the country of the foreign court which requests for the assistance.

Article 9

This law shall come into force from the date of its promulgation.

[c:\lt\g\exte]

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REPUBLIC OF CHINA

I am in the Republic of China.
I am over the age of 18 and not a party to the within action. On January 22, 1996, I served the foregoing document described as Motion For Leave To Proceed In Forma Pauperis on the following.

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(x) (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

GL

Signature

[c:\lt\LS\F\6\1\m-ip]

SUPREME COURT OF THE UNITED STATES

95–7587 LIANG-HOUH SHIEH
v.
EDWARD KAKITA ET AL.

95–7588 LIANG-HOUH SHIEH
v.
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

95–7589 LIANG-HOUH SHIEH
v.
JEROLD KRIEGER ET AL.

ON MOTIONS FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Nos. 95–7587, 95–7588 AND 95–7589. Decided April 1, 1996

PER CURIAM.

In these three petitions for certiorari, *pro se* petitioner Liang-Houh Shieh requests leave to proceed *in forma pauperis* under Rule 39 of this Court. We deny his requests pursuant to Rule 39.8. Shieh is allowed until April 22, 1996, within which to pay the docketing fees required by Rule 38 and to submit his petitions in compliance with this Court's Rule 33.1. We also direct the Clerk not to accept any further petitions for certiorari from Shieh in noncriminal matters unless he pays the docketing fee required by Rule 38 and submits his petition in compliance with Rule 33.1.

Shieh has abused this Court's certiorari process. In March 1996, we invoked Rule 39.8 to deny Shieh *in forma pauperis* status. See *Shieh* v. *State Bar of California*, 516 U. S. ___. To date, Shieh has filed 10 petitions in this Court in less than three years. All

have been both patently frivolous and denied without recorded dissent.

We enter the order barring prospective filings for the reasons discussed in *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992). Shieh's abuse of the writ of certiorari has been in noncriminal cases, and so we limit our sanction accordingly. The order will not prevent Shieh from petitioning to challenge criminal sanctions which might be imposed against him. The order will, however, allow this Court to devote its limited resources to the claims of petitioners who have not abused our certiorari process.

It is so ordered.

JUSTICE STEVENS, dissenting.

For the reasons I have previously expressed, I respectfully dissent. See *Jones* v. *ABC–TV*, 516 U. S. ___, ___ (1996) (STEVENS, J., dissenting); *Attwood* v. *Singletary*, 516 U. S. ___, ___ (1996) (STEVENS, J., dissenting); *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1, 4 (1992) (STEVENS, J., dissenting); *Zatko* v. *California*, 502 U. S. 16, 18 (1991) (STEVENS, J., dissenting).